

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ROOSEVELT A. BATTS v. CITY OF PHILADELPHIA, et al.	CIVIL ACTION NO. 13-1629
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ORDER

AND NOW, this 20th day of December, 2013, the Court having reviewed the Report and Recommendation by Magistrate Judge Rueter, the objections filed by petitioner, and the response to petitioner's objections, the Court concludes that the petitioner has not exhausted his state court remedies, for the reasons stated in some detail in the response filed on December 12, 2013. The Court rejects petitioner's claim that this case is extraordinary. Therefore, it is hereby **ORDERD** as follows:

1. The Report and Recommendation of United States Magistrate Judge Thomas J. Rueter dated August 26, 2013 is **APPROVED**, and **ADOPTED**.
2. The objections are **OVERRULED**.
3. There are no grounds to issue a certificate of appealability.
4. The petition is **DISMISSED** without prejudice.
5. The Clerk shall close this case.

BY THE COURT:

/s/ **Michael M. Baylson**

MICHAEL M. BAYLSON, U.S.D.J.